

# ADVISORY COUNCIL ON TIDAL FINFISHERIES



## MINUTES OF April 17, 2019

DNREC Auditorium, 89 Kings Hwy SW, Dover, DE 19901  
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### ADVISORY COUNCIL

Dewayne Fox, Ph.D., Chair  
Bernie Pankowski (*Absent*)  
Brian Hoffecker  
James "Jay" Little  
Marvin Kahl, Jr.  
P. "Wes" Townsend  
Joseph Smith

### DIVISION OF FISH & WILDLIFE

John Clark  
Stew Michels  
Jason Boucher  
Chief Drew Aydelotte  
David Saveikis, Director

### PUBLIC

6 Visitors

#### **Agenda Item 1. Welcome**

**Chairman Dewayne Fox** called the meeting to order at 6:00 PM and welcomed everyone.

#### **Agenda Item 2. Approval of January 16, 2019 Meeting Minutes**

A motion to accept the January meeting minutes as written was approved without objection.

**Agenda Item 3. Regulatory Update – Stew Michels, Fisheries Program Manager**, stated that there will be a public hearing on the proposed Lobster and Jonah Crab regulation on May 23, 2019 at the DNREC R&R building in Dover. Draft regulations necessary to comply with HB 341 (Apprenticeship Program), the Coastal Sharks Fisheries Management Plan (FMP) and the Cobia FMP are under review.

**Agenda Item 4. Mid Atlantic Fisheries Management Council (MAFMC) Update – Stew Michels, Fisheries Program Manager**, stated that the Summer Flounder specifications for 2019-2021 were set and will reflect a 49% increase in the annual harvest limit, while 2020 Black Sea Bass, Scup and Bluefish specifications are status quo with the 2019 commercial and recreational measures. MAFMC approved an Amendment to the Mackerel, Squid and Butterfish FMP that will include Chub Mackerel. MAFMC reviewed the specifications for Blueline and Golden Tilefish and recommended leaving the current measures in place. MAFMC also approved alternatives to the commercial electronic Vessel Trip Reporting framework.

**Agenda Item 5. Atlantic States Marine Fisheries Commission (ASMFC) Update – John Clark, Fisheries Administrator**, stated that measures proposed to reduce the risk of endangered Atlantic Right Whale entanglements with American Lobster fishery vertical rope float lines could eventually be required of Delaware fisheries that use vertical lines, such as the Black Sea Bass pot fishery. The Shad and River Herring Board postponed the due date for the American Shad Benchmark Assessment until mid-2020. The Striped Bass Benchmark Assessment was released indicating that the stock was overfished and that overfishing was occurring. Although the 2018 striped bass harvest was much reduced from 2017, overfishing was still occurring and the Board will likely consider management action to reduce fishing mortality at the Spring Meeting. The Horseshoe Crab Benchmark

Assessment passed peer review with minor modifications and it showed the Delaware Bay stock is at a high level. The Atlantic Menhaden Board postponed the motion to find Virginia out of compliance on the condition Virginia does not exceed the 51,000 metric tons Chesapeake Bay harvest cap. The 2019 recreational Summer Flounder regulations will remain status quo in Delaware.

**Agenda Item 5 Sub-Item. Results of a Delaware angler poll regarding a potential February 2020 Black Sea Bass recreational fishing season – Council. Councilor Jay Little** discussed the possibility of opening the Black Sea Bass season in February 2020 and then closing the season during another part of the year to offset the portion of Delaware's quota caught in February. The angler poll conducted on the Saltfish.net website indicated that anglers would be in favor of opening the black sea bass season in February. Mr. Clark told the Council that Virginia had a successful February 2019 Black Sea Bass recreational season, but the success of that season required that Virginia close their Black Sea Bass recreational fishery for 21 days in June 2019, so Delaware anglers need to consider the consequences of a February season. The Council decided to revisit the February season at a later date.

**Agenda Item 6. Anchor netting in the Delaware River – Council. Councilor Brian Hoffecker** summarized his conversations with commercial netters regarding allowing anchor netting in the Delaware River from the north end of the Appoquinimink River downstream to the Liston Point marker. He had also spoken to the Division's Enforcement Section. He said that allowing anchor netting in this currently closed area will shorten the time needed by commercial netters to catch their quota, thus reducing interactions between recreational and commercial fishing in that area. The Council approved a motion asking the Division to investigate changes to either the laws or regulations that would allow anchor netting in the Delaware River from Appoquinimink River to Liston Point.

**Agenda Item 7. Court assessed penalties for commercial fishing violations – Council. Councilor**

**Wes Townsend** summarized issues arising from the current structure and court outcomes of commercial fishing violations and penalties. He recommended forming a subcommittee consisting of members from the Advisory Council on Tidal Finfisheries, the Shellfish Advisory Council and the Council on Game and Fish. This subcommittee will meet to explore recommended approaches to change state law governing the violation structure and fines to deter illegal activities.

**Agenda Item 8. Delaware Sea Grant Fisheries Forums – Dr. Ed Hale, Marine Advisory Specialist, Delaware Sea Grant**, gave a summary of his Delaware Sea Grant activities working with government officials, academic researchers and the public to gather and share fisheries information through workshops, lectures, meetings and courses. He also conducts and applies scientific research on issues associated with fisheries, aquaculture and seafood. He described the North Carolina Sea Grant-developed Carteret Catch Model, which helps the local commercial fishing community by creating a brand for local seafood and explaining to consumers why local is better than imported seafood. A Delaware Sea Grant survey in 2014 revealed that 28% of consumers will pay more for a local brand-name product, so a Carteret Catch Model may work for branding Delaware seafood. Delaware Sea Grant plans to help small fishing-related businesses by providing more web courses/training, facilitating networking and marketing and helping with grant applications.

**Agenda Item 9. Update on Delaware's summer slot Striped Bass season – Dr. Jason Boucher, Fisheries Biometrician**, stated that the preliminary data for the 2018 summer slot Striped Bass season harvest and live releases are similar to previous years. The slot season usually accounts for less than 20% of Delaware's total Striped Bass total catch and has been as low as 5%. The highest summer slot season harvest was in 2013 and the lowest was in 2016. Anglers are live releasing more Striped Bass than they are harvesting during the summer slot season.

**Agenda Item 10. Proposed legislation to streamline adoption of Delaware tidal finfish regulations – David Saveikis, Fish & Wildlife Division Director**, stated that the current Administrative Procedures Act (APA) regulatory process often requires six months or more to change a regulation. This process is inefficient and provides no value for those mandatory, specified management measures for which there are no options required by the ASMFC, MAFMC or National Marine Fisheries Service (NMFS), such as a mandatory specified requirement of a 16.5 inch recreational flounder size limit. The Division is considering developing legislation that would exempt such tidal finfish regulation changes from the APA regulatory process and allow them to be changed by only a Secretary's Order. All ASMFC, MAFMC and NMFS FMPs with such mandatory, specified management measures already go through an extensive public comment processes before approval, so Delawareans are given ample opportunity to comment on these FMPs before they are approved. The Council made and unanimously approved a motion to support the Division proceeding with developing the proposed legislation.

**Agenda Item 11. Director's Update – David Saveikis Fish & Wildlife Division Director**, informed the Council that HB

97, which would allow non-resident college students to purchase resident recreational fishing, hunting and trapping licenses, was introduced in the General Assembly. He also stated that the Division will be sending postcard reminders to commercial fishermen to submit their commercial fishing landing reports on time. Construction of the Little Creek Boat Ramp and reconstruction of the Phillips Landing Boat Ramp were both completed in April. Design and engineering for a Dobbinsville fishing pier will begin once a Memorandum of Agreement (MOA) with the City of New Castle is completed. An MOA with the City of Wilmington for the Division to reconstruct the 7<sup>th</sup> Street boat ramp is under final review before sending to the City of Wilmington. An updated Artificial Reef Guide is scheduled for publication and delivery in July 2019.

### Suggested Agenda Items for Next Meeting

1. Subcommittee report on evaluating fish and wildlife violations/fines

The meeting adjourned at 8:13 PM

Respectfully Submitted by



Rebecca Hoover  
Recording Secretary